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*NOT ADMITTED TO THE NEW YORK BAR

July 25, 2014

By *FedEx & E-mail*

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Dent, et al. v. Nat'l Football League, Case No. 14-cv-02324-WHA (N.D. Cal.)

Dear Mr. Sinclair:

We represent the National Football League in *In re: National Football League Players' Concussion Injury Litigation* (No. 2:12-md-02323-AB, MDL No. 2323) (E.D. Pa.) (the "NFL MDL Litigation").

We have reviewed your July 11, 2014 letter requesting that the preliminarily approved class action settlement in the NFL MDL Litigation (the "Class Action Settlement") be amended to exclude the allegations, facts, claims and circumstances in the *Dent* litigation. For the reasons explained below, we cannot agree to your request and will oppose any application or objection that seeks to amend the Class Action Settlement in this fashion.

As you know, the Class Action Settlement expressly covers Claims (as defined in Section 18.1) "arising out of, or relating to, head, brain and/or cognitive injury . . . of whatever cause and its damages . . . including, without limitation, Claims for . . . mental or physical pain or suffering, emotional or mental harm (See, e.g., Class

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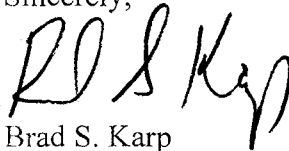
Action Settlement Agreement as of June 25, 2014 at § 18.1(a)(ii), NFL MDL Litigation, Doc. No. 6073-2 (emphasis added).)

The *Dent* amended complaint can be read broadly as seeking recovery for the very same injuries—that is, “. . . mental injuries” (e.g., *Dent* Compl. ¶¶ 272(c)-(d), 275, 361, 370, 386, 392). In other parts of the *Dent* complaint, however, it appears that the plaintiffs are seeking recovery solely for physical injuries unrelated to head, brain and/or cognitive injuries so as to avoid any overlap with the NFL MDL Litigation. (See generally *id.* ¶¶ 127-32, 145-84.)

To the extent we correctly read the *Dent* complaint as seeking to recover for head, brain and/or cognitive injuries, those claims are released as part of the Class Action Settlement, and we decline to amend the Class Action Settlement to exclude them. On the other hand, to the extent we misread the *Dent* complaint in this regard—and the *Dent* complaint seeks recovery solely for physical injuries other than head, brain and/or cognitive injuries—then there is no overlap between the cases and there is nothing to amend in the Class Action Settlement. In that event, we suggest that the *Dent* plaintiffs amend their complaint to remove any references to head, brain and/or cognitive injuries. In either event, we would appreciate clarification from you on this point.

Finally, we note that to the extent the *Dent* complaint seeks to prosecute claims that are released as part of the Class Action Settlement, the *Dent* action has been enjoined by the July 7, 2014 order issued in the NFL MDL Litigation granting preliminary approval of the Class Action Settlement. (See Order ¶ 6, NFL MDL Litigation, Doc. 6084.) We respectfully request that you promptly notify your clients of this injunction and take all necessary steps to comply with it by ceasing to prosecute any claims related to head, brain and/or cognitive injuries.

Sincerely,

A handwritten signature in black ink, appearing to read "B S Karp", written over the typed name.

Brad S. Karp

cc: Christopher A. Seeger, Esq. (by email only)
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